

FILED

MAY 12 2021

PATRICK KEANEY
Clerk, U.S. District Court

By _____
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEVIN WARREN SIZEMORE,

Defendant.

Case No.

21 CR 138 JFH

INDICTMENT

The Federal Grand Jury charges:

COUNT ONE

MURDER IN INDIAN COUNTRY
[18 U.S.C. §§ 1111(a), 1151 and 1153]

On or about, July 15, 2016, within the Eastern District of Oklahoma, in Indian Country, the defendant, **DEVIN WARREN SIZEMORE**, an Indian, willfully, deliberately, maliciously, and with premeditation and malice aforethought, did unlawfully kill Emily Sizemore, in violation of Title 18, United States Code, Sections 1111(a), 1151 and 1153.

COUNT TWO

SECOND DEGREE MURDER IN INDIAN COUNTRY
[18 U.S.C. §§ 1111(a), 1151 and 1153]

On or about, July 15, 2016, within the Eastern District of Oklahoma, in Indian Country, the defendant, **DEVIN WARREN SIZEMORE**, an Indian, with malice aforethought, did unlawfully kill Emily Sizemore, in violation of Title 18, United States Code, Sections 1111(a), 1151 and 1153.

COUNT THREE

**VOLUNTARY MANSLAUGHTER IN INDIAN COUNTRY
[18 U.S.C. §§ 1112(a), 1151, and 1153]**

On or about, July 15, 2016, within the Eastern District of Oklahoma, in Indian Country, the defendant, **DEVIN WARREN SIZEMORE**, an Indian, acting with a depraved heart, that is, recklessly with extreme disregard for human life, did knowingly kill Emily Sizemore, in violation of Title 18, United States Code, Sections 1112(a), 1151, and 1153.

COUNT FOUR

**CHILD ABUSE IN INDIAN COUNTRY
[18 U.S.C. §§ 1151 and 1153; 21 Okla. Stat. 843.5(A)]**

On or about, July 15, 2016, within the Eastern District of Oklahoma, in Indian Country, the defendant, **DEVIN WARREN SIZEMORE**, an Indian, did willfully and maliciously, cause and threaten harm to the health, safety, and welfare of, and engaged in child abuse against, Emily Sizemore, his approximately 21-month-old daughter, resulting in her death, in violation of Title 18, United States Code, Sections 1151 and 1153 and Title 21 Oklahoma Statutes, Section 843.5(A).

COUNT FIVE

**ASSAULT RESULTING IN SERIOUS BODILY INJURY IN INDIAN COUNTRY
[18 U.S.C. §§ 113(a)(6), 1151 and 1153]**

On or about, July 15, 2016, within the Eastern District of Oklahoma, in Indian Country, the defendant, **DEVIN WARREN SIZEMORE**, an Indian, did assault J.S., resulting in serious bodily injury, in violation of Title 18, United States Code, Sections 113(a)(6), 1151 and 1153.


COUNT SIX

**ASSAULT AND BATTERY
ON A POLICE OFFICER IN INDIAN COUNTRY
[18 U.S.C. §§ 13, 1151 and 1152; 21 Okla. Stat. 649]**

On or about, July 15, 2016, within the Eastern District of Oklahoma, in Indian Country, the defendant, **DEVIN WARREN SIZEMORE**, an Indian, did willfully and unlawfully commit assault and battery upon J.S., with the intent to injure J.S., knowing that J.S. was an officer with the Krebs Police Department who was performing the duties of an officer, in violation of Title 18, United States Code, Sections 13, 1151 and 1152 and Title 21, Oklahoma Statutes, Section 649.

A TRUE BILL:

CHRISTOPHER J. WILSON
Acting United States Attorney



Rebecca R. Dunn, NY Bar # 5121249
Assistant United States Attorney

Pursuant to the E-Government Act,
the original indictment has been filed
under seal in the Clerk's Office.

s / Foreperson
FOREPERSON OF THE GRAND JURY